

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTINA SMITH, individually and as next
friend of her son, Joshua England,

Plaintiff,

– against –

JOE ALLBAUGH, CARL BEAR, ROBERT
BALOGH, WENDELL MILES, LAURA HAYS,
LAURA NOBLE, OKLAHOMA DEPARTMENT
OF CORRECTIONS OFFICERS JOHN DOES #1-
10, and CASE MANAGER RICHARD ROE;

Defendants.

**COMPLAINT AND
JURY DEMAND**

CASE NO. CIV-19-470-G

AFFIDAVIT OF MERIT

I, Paul DeMuro, an attorney duly admitted to practice in the courts of the State of Oklahoma, declare under penalty of perjury:

1. I am a member of Fredric Dorwart Lawyers, PLLC. I have been practicing law for over 25 years.

2. I represent Plaintiff Christina Smith on behalf of her deceased son Joshua England in this case. Joshua died at Joseph Harp Correctional Facility (“Harp”) in May 2018 from a ruptured appendix that Harp staff ignored and failed to treat.

3. In accordance with 51 Okla. Stat. § 19.1, if applicable and enforceable, Plaintiff requested that a physician with an expertise in providing medical services to people who are incarcerated review Joshua’s Harp medical records.

4. The medical expert provided Plaintiff with a written opinion determining that, based on his medical qualifications, his years of experience treating patients, including patients in jail facilities, and his review of the medical records from Harp, a reasonable

interpretation of the facts supports a finding that the acts and omissions of the Defendants in this case constituted, at the very minimum, negligence.

5. On the basis of his review, the medical expert concluded and Plaintiff agrees that Plaintiff's claim is meritorious and based on good cause.

RESPECTFULLY SUBMITTED,

/s/ Paul DeMuro

Paul DeMuro, OBA No. 17605
FREDERIC DORWART, LAWYERS PLLC
Old City Hall Building
124 East Fourth Street
Tulsa, Oklahoma 74103-5010
Telephone: (918) 583-9922
Facsimile: (918) 583-8251
pdemuro@fdlaw.com